

CPA/1754 \$/✓
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May 23, 2002

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TC 1700

#13115
5/30/02

BOX CPA

Commissioner for Patents
Washington, D.C. 20231

Re: Application of Masahiro OHMORI and Akihiko KOTERA
PEROVSKITE TITANIUM-TYPE COMPOSITE OXIDE PARTICLE AND
PRODUCTION PROCESS THEREOF
Assignee: SHOWA DENKO K.K.
Our Ref: Q54488

Dear Sir:

This is a request for filing a Continuation Application under 37 C.F.R. § 1.53(d) (continued prosecution application (CPA)) of pending prior Application No. 09/579,708 filed on May 26, 2000 (confirmation no. 7789) of Masahiro OHMORI and Akihiko KOTERA entitled PEROVSKITE TITANIUM-TYPE COMPOSITE OXIDE PARTICLE AND PRODUCTION PROCESS THEREOF.

This application is being filed under 37 CFR § 1.53(d). The prior application, in which no payment of the issue fee, abandonment, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. It is understood that secrecy under 35 USC § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file jacket, be it either this application or a prior application in the same file jacket, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file jacket.

The prior application is assigned to Group Art Unit 1754.

Please enter the Amendment previously filed on April 23, 2002 under 37 CFR § 1.116, but unentered, in the prior application. Applicants submit that the amendment does not raise the issue of new matter, since the amendment is supported by, e.g., pages 22-23 in the specification. In this regard, it is noted that an example can provide support for an endpoint of an amended range (see, e.g., MPEP §2163.05III. and *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976), in which a disclosed range of 25-60% and specific examples of 36% and 50% supported the amended range 35%-60%). Since the present application discloses ranges of about 10 to about 200 m²/g and about 10 to about 100 nm, and since Example 4 in the present application discloses a specific surface area of 28 m²/g and a specific surface area diameter D₁ of 0.05 µm (50 nm) and all the other invention Examples in the present application disclose specific surface areas and specific surface area diameters D₁ within the scope of the amended claims, Applicants submit that the disclosure in the present application supports the amended claims.

The power of attorney appears in the original papers of the prior application.

The Government filing fee is calculated as follows:

05/24/2002 HNDOR1 00000014 09579708

01 FC:131	740.00 OP
02 FC:102	252.00 OP
03 FC:104	280.00 OP



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U.S. Application No.: 09/579,708

Total claims	<u>19</u> - 20	=	<u>0</u>	x	\$18.00	=	<u>\$0.00</u>
Independent claims	<u>6</u> - 3	=	<u>3</u>	x	\$84.00	=	<u>\$252.00</u>
Base Fee							\$740.00
Multiple dependent claim fee							\$280.00
TOTAL FILING FEE							\$1,272.00

A check for the statutory fee of \$1,272.00 is attached. You are also directed and authorized to charge or credit any difference or overpayment to Deposit Account No. 19-4880. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 and any petitions for extension of time under 37 C.F.R. § 1.136 which may be required during the entire pendency of the application to Deposit Account No. 19-4880. A duplicate copy of this transmittal letter is attached.

A Petition and payment for an extension of time is being filed concurrently herewith in Application No. 09/579,708. The application is timely filed.

Respectfully submitted,
SUGHRUE MION, PLLC

Keiko K. Takagi / *Bruce E. Crane*
Reg. No. 33,725
 Keiko K. Takagi
 Registration No. 47,121

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